

Policy Lab: Applied Legal Skills

Lab convener: John Hatchard (Open University, Department of Law)

Background

Much emphasis has been placed in recent years on strengthening the competencies, skills and means available to public prosecutors and to shoring up the integrity and independence of the judiciary. Since the early 2000s, a range of legal actions by non-state actors have directly sought to address corruption and improvements in public integrity standards. Tackling corruption and the misuse of public office is now high on the international agenda. This is emphasized by the UN Convention Against Corruption (UNCAC) which came into force on 14 December 2005 and is the first global instrument designed to address the problem of corruption in both the private and public sectors. At present 140 states have signed and 92 states have ratified/acceded to UNCAC. The Convention builds on a number of regional anti-corruption initiatives. In addition the Organization for Economic Cooperation and Development (OECD) has been extremely active in seeking to tackle corruption, and there are also several other activities undertaken by civil society organizations the business community.

However, no systematic comparative legal analysis has been undertaken of these practices and experiences, nor are these experiences and approaches reflected in the modest but growing attention that law schools are giving to anti-corruption. Whilst it is important to understand the causes of corruption, this Policy Lab will look at the development of model courses that enable people at all levels to understand the legal framework required for tackling corruption and the international obligations that their countries have in this regard. Examples of sectors affected by UNCAC and other anti-corruption instruments include law teaching, civil society organizations, the corporate sector and public officials and parliamentarians.

Objectives

The Policy Lab aims at assessing and continuing work started at the CEU Summer University 2007 to design a course that systematically covers the law and practice relating to corruption as well as strengthens the competencies and skills of anti-corruption practitioners.

Policy lab sessions will focus on the following areas:

1. That the national constitution is an essential pillar for the development and maintenance of good governance and anti-corruption action (e.g. role of the Auditor General/supreme audit authority, protecting the independence of the judiciary whilst providing for effective judicial accountability);
2. The ongoing international and regional anti-corruption developments in the legal and regulatory fields;
3. The constitutional, legal and regulatory issues involved in tackling corruption effectively;
4. The new developments in the anti-corruption field especially as regards tackling asset recovery and that civil society organisations can contribute to making this more effective;
5. How civil society organisations can develop effective tactics when dealing with legal issues.

John Hatchard is a barrister and Professor of Law at The Open University (UK). He is also the Secretary General of the Commonwealth Legal Education Association. He has held senior academic positions at universities in the United Kingdom, United States, Zambia and Zimbabwe. He has served as Chief Mutual Legal Assistance Officer at the Commonwealth Secretariat and was a Senior Fellow at the British Institute for International and Comparative Law. He has undertaken consultancy work for a wide range of international organisations, particularly in the field of corruption, good governance and human rights. He has published extensively in the area of criminal law and procedure with particular reference to corruption, money laundering and international cooperation in criminal matters. He is the Editor of the Corruption Case Law Reporter and Commonwealth Legal Education, Joint Editor of the Journal of African Law and a member of the Editorial Board of the Commonwealth Law Bulletin and Journal of Commonwealth Law and Legal Education.

Policy Lab: Fiscal Transparency and Corruption Risks

In cooperation with the Local Government and Public Service Reform Initiative
Lab convener: Gabor Peteri (LGI Development Ltd)

Background

For many years public sector reforms in transition countries primarily focused on the political, legal and technical aspects of public service management, intergovernmental fiscal relations and capacity building. Institutional and procedural issues were regarded as important, but somehow secondary and slowly changing conditions. The most visible elements of these elements of successful institutional reforms were related to anti-corruption and transparent use of public funds. Recently these components of good governance gradually became more important factors and the issues of public sector integrity are targeted, as well.

All these means and methods aim to support accountability in the public sector. Greater transparency and better public control over government finances and financial management improve the efficiency of public decisions. Depending on the country specific social-political environment, these softer elements of public service provision become the main goals of public sector modernization. Good governance through greater accountability and integrity reforms, combined with corruption control are targeted by several programs of the Open Society Network and some of the Central European University's programs.

Objectives

The objective of the Policy Lab on Fiscal Transparency and Corruption Risks is to combine a civil society agenda, focusing on transparency and accountability, with a governmental perspective in terms of corruption risks in public finances, budgeting and financial management. The multidisciplinary approach taken will involve insights from public finance, public policy making and various fields of public service management.

Participants will trace transparency within the good governance framework promoting accountability. They will analyze the conditions of transparent fiscal planning, management of public property, dealing with the private sector, elements of successful conflict of interest and anti-corruption measures at national and local governments.

The lab is grounded in two distinct but complementary perspectives on public finance -- one arising from the fiduciary duties of governmental agencies, the other from demands of opening up budgeting and financial management to wider social control -- both of which imply increased attention to minimizing loss of public money to corruption and incompetence.

Gábor Péteri (Economist, PhD) is the Executive Director of the Local Government Initiative Development Ltd. LGID's mission is to promote democratic and effective governance throughout Central and Eastern Europe, the former Soviet Republics and beyond. *Péteri is the former research director* of the Local Government and Public Service Reform Initiative (LGI), affiliated with Open Society Institute-Budapest. In 1996/97 he was actively involved in launching the Hungarian Council of Local Government Associations. He has published extensively on intergovernmental fiscal relations, financial management, municipal policy formulation, finances of public education.

Policy Lab: Governance of Natural Resource Revenues

Lab convener: Evelyn Dietsche (Centre for Energy, Petroleum and Mineral Law and Policy, University of Dundee)

Background

Owing to a combination of strong global demand and inadequate capital spending on exploration and new capacity, world market prices for non-renewable resources have increased in recent years. These developments have strengthened concerns over the mismanagement of natural resource revenues. Recipient governments may (again) fail to put resources proceeds to good use and forgo the positive developmental impact that the extractive industries could potentially make.

Historical and contemporary experience has been ambiguous about the linkages between natural resources exploitation and development. Some advanced economies relied on extractive industries in the past and there are also a few recent positive examples. But the '*resource curse*' debate has also emphasized that in the second half of the 20th century most resource rich countries have failed to translate natural resource wealth into lasting developmental gains.

These diverse experiences have left many open questions regarding the economic, political and social conditions that support natural resource revenues to contribute to broad-based socio-economic development. The underlying issues are extremely complex; not least because the extractive industries feature specific characteristics and are able to operate in environments where few other economic activities would survive. These facts pose particular economic and political challenges and can negatively affect the incentives of policy makers.

Recently researchers have emphasized that resource rich countries with good institutions and governance are more likely to enjoy a '*resource blessing*' rather than a '*curse*'. Unfortunately, this proposition leaves open a very difficult question. Under what conditions are natural resource rich countries able to build the institutions and governance arrangements that allow them to use well their natural resource revenues? It is increasingly recognized that state-society relations and the domestic incentives to support state building are important factors in achieving positive outcomes.

Objectives

Against the above background there are three objectives for the Policy Lab on the Governance of Natural Resource Revenues:

- To impart knowledge about the specific characteristics of and the challenges posed by the extractive industries.
- To learn and discuss how research results and the policy discussions of international organizations and initiatives can inform civil society organizations to contribute to better state-society relations and to increase the domestic incentives for using natural resource revenues well.
- To receive feedback and engage participants in developing teaching material and a training program on the governance of natural resource revenues for use in other teaching and training institutions.

Evelyn Dietsche is a Lecturer and a PhD student with the Centre of Energy, Petroleum and Mineral Law and Policy (CEPMLP) at the University of Dundee. She currently teaches a postgraduate course on public policy and governance in natural resource rich countries and a postgraduate course on mineral and petroleum taxation. Evelyn has been involved in the 'Resource Endowment Initiative' of the International Council on Mining and Metals (ICMM) since its inception in 2004 and this initiative got her interested in the complex policy and governance challenges faced by countries dependent on the export of natural resources. Prior to joining CEPMLP in April 2006 Evelyn worked as an economist and policy analyst for the development consultancy Oxford Policy Management and gained experience working in Sub-Saharan Africa, the Caribbean, the Middle East and Latin America.

Policy Lab: Integrity in Reconstruction Aid and Programming

In partnership with the Network for Integrity in Reconstruction
Lab convener: Sultan Barakat (Post-War Reconstruction Unit, University of York)

Background

The policy lab will address the specific challenges faced by integrity reformers in post-war contexts and jointly develop practical tools to address them. Recent studies indicate that integrity increases the stability and legitimacy of the reconstruction process. Integrity is defined as understanding, identifying and then rapidly building local competences for recovery and development; second, instituting genuine accountability, both to internal beneficiaries and to external donors; and third, attention to corruption, a factor that can easily undermine many of the dividends of a post-war settlement. The workshop will familiarise participants with core ingredients of a strategic and critical approach for integrity reform to foster effective recovery and reduce the likelihood of reverting to violent conflict. There are five main learning objectives, which reflect the exploratory and pioneering nature of this unique trans-disciplinary workshop:

- Definition of integrity in post-war reconstruction.
- A concise conceptualisation of the three core domains of integrity in post-war reconstruction and their respective dilemmas.
- A typology of integrity in post-war reconstruction activities.
- A common operational and contextual trajectory as a consequence of corruption.
- The opportunities for and challenges to integrity within the reconstruction programme cycle.

Objectives

- *Understanding the complex interrelationship between integrity and effective post-war reconstruction.* Two specific challenges would entail the clear mapping out of the integrity/reconstruction interconnections within and between the individual, organisational, and contextual domains, followed by the ability of the participants then to relate and compare these interconnections to their professional and/or war-torn experience.
- *Developing state-of-the-art monitoring methods.* Participants would learn and help further develop specific monitoring methods and techniques in order to create standardized and systematic tools for measuring integrity in reconstruction. Participants would then assist in further developing these methods by suggesting how they can be tailored and improved overall based on their professional and/or home context.

Sultan Barakat is the founding director of the Post-war Reconstruction and Development Unit, which was established at the University of York in 1993. Professor Barakat has extensive experience in development planning and in conducting in-country strategy making and training workshops, with a number of publications in the field of refugee shelter, humanitarian assistance policy and impact, NGO development and peace building strategies, settlement planning, rehabilitation and conservation of urban areas, post-war reconstruction and development, disaster mitigation, social and economic rebuilding of war-torn societies. He has field experience in Afghanistan, Bosnia-Herzegovina, Croatia, Colombia, Indonesia (Aceh), Iran, Iraq, Jordan, Kosovo, Lebanon, Northern Ireland, Palestine, Philippines (Mindanao), Somalia (Puntland), Somaliland, Sri Lanka, Turkey, UAE, Vietnam, Uganda, and Yemen.